No: 06-1439

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IN THE

Supreme Court of the United States

NICOLAS S. LAURENT
et, al.,

Petitioners,

v.

NANCY N. HERKERT, TRUSTEE,

Respondent,

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR ELEVENTH CIRCUIT

PETITIONER'S REPLY BRIEF TO RESPONDENT

NICOLAS S. LAURENT
P.O. BOX 260 189
BOSTON, MA 02126
TEL: (617) 894-9774
PRO SE / ATTORNEY

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INTRODUCTION

United States Court of Appeals decision on August 22, 2006, to affirmed district court order, constitute plain error. Respondent, Nancy N. Herkert include her staff attorney Amy E. Carrington act a prosecutor against Mr. Laurent, refused Petitioner Chapter 13 payment plan, case number: 00-50881 -BKC- to functioned in the normal course.

Ms. Amy E. Carrington attorney for Respondent, Nancy N. Herkert, has a conflict of interest in this case number: 00-50881- BKC, since Ms. Amy E. Carrington is a substitute trustee, for chapter 13 who represent Respondent. Nancy N. Herkert, in her absent, in the chapter 13 hearing, for petitioner Laurent in so many occasions, in the bankruptcy Court.

Respondent, Nancy N. Herkert included substitute trustee chapter 13 attorney Amy E. Carrington dismissed Mr. Laurent chapter 13 case in so many occasions, in the bankruptcy court, for bias and prejudice, not for payment, in order to allowed Mr. Hugo A. Martinez, included his attorney Stephen N. Rosenthal to committed fraudulent claim, without statement of verification, and investigation to seize Petitioner's Guardian home property.

Chambers v. Goldberg, Inc., 501 U.S. 1276544, 32 FED. R. SEV. 3d (LCP) 1263 (3Cir. Pa 1995).

Federal judges have an inherent power to punish parties and attorney in contempt.

Petitioner don't owed Ms. Nancy N. Herkert payment, in the chapter 13 bankruptcy payment plan.

On November 10, 2004, Respondent, Nancy N. Herkert, Chapter 13 trustee filed Notice of Deposits of balance funds, in the U.S. Bankruptcy Court $ 4, 6854. 64, out of $ 24, 206. 90, dollars, failed to credit petitioner inside the chapter payment plan, case number: 00-50881-BKC,

which is still in the Court Registry as of today.
Ms. Amy E. Carrington staff attorney for Respondent, Nancy N. Herkert, failed to demonstrated where Hugo A. Martinez include his attorney Stephen N. Rosenthal obtain any interest in the Guardian home, on June 21, 1996.

REASONS FOR GRANTING THE WRIT

REVIEW OF THE COURT OF APPEALS FOR ELEVENTH CIRCUIT DECISION IS NECESSARY AND APPROPRIATE TO RESOLVE A CONFLICT IN THE CIRCUITS AS TO WHETHER RESPONDENT IS A UNITED STATES TRUSTEE, AND BECAUSE THIS CASE IS ONE OF NATIONAL IMPORTANCE.

United States Department of Justice office of the Solicitor General sent a letter of WAIVER dated May 11, 2007 to Mr. Laurent, and to all parties of interest stating that the United States will not file a Response to the Petition for Writ of Certiorari, for this case Number: 06-1439, since " Respondent Nancy N. Herkert is not the United States Trustee, instead the Chapter 13 standing trustee, for the Southern District of Florida, not component of Justice Department (a private party)".

" The United States trustee did not participate in this case in the Court of Appeals or in the District Court, was not name as a Respondent in the Petition, and has no interest in the outcome of the Petition". "For that reason, the United States will not filed a response to the Petition."

Petitioner, Nicolas S. Laurent Support United States Department of Justice office of the Solicitor General Statement made, in the letter Waiver dated May 11, 2007.

Petitioner Laurent always indicated to the District Court, and Court of Appeals in so many occasions, "That Respondent, Nancy N. Herkert is a private individual chapter 13, and is not component of Justice Department.
The Office of Solicitor confirmed the statement made by Petitioner, Nicolas S. Laurent.
Ms. Amy E. Carrington, attorney for Nancy N. Herkert failed to sent Petitioner Laurent Appendix accompany her Brief. Court of Appeals and District Court abused its discretion, in the statement, made in the Judgment entered against Mr. Nicolas S. Laurent, by indicated" Nancy N. Herkert is a United States trustee, so they can seize Petitioner's Laurent Guardian home property, because of prejudice toward Mr. Nicolas S. Laurent.

Court of Appeals and District Court erred by denied Mr. Nicolas S. Laurent's right to fair trial as acknowledge by the statement made in the office of the Solicitor General, letter dated, May 11, 2007.

Respondent, Nancy N. Herkert's attorney failed to demonstrate evidence to support the Brief to oppose.

The Bankruptcy Court has authority to punish an attorney for bad faith, in Fellheimer, Eichen Braverman v. Charter Technologies57 f. 3 D 1215, BANKER. L. REP(CCH) 76544, 32 FED, R, SER v. 3D (LCP) 1263 (3d CIR. PA 1995.

Respondent, Nancy N. Herkert include her attorney Amy E. Carrington failed to answer the statement in the Petition for writ of Certiorari, etc., regarding Hugo A. Martinez 's foreclosure on May 24, 2002, and second foreclosure with the Guardian home property taxes on

November 13, 2002, both foreclosure actions, Cancelled in the State Court Eleventh Judicial Circuit recorded on Harvey Ruvin Clerk of Court Book # 22494, at pages 0146, Dade County West Flagler Miami, Florida.

Petitioner, Nicolas S. Laurent object orally to Mr. Stephen N. Rosenthal and his client Hugo A. Martinez false representation claim, in the court.

Petitioner, Nicolas S. Laurent comply in so many occasions, to resolve this matter amicable.

Mr. Hugo A. Martinez relief, in the chapter 13 bankruptcy is irrelevant, since it was obtained in perjury, and fraud, bad faith.

That is one the reason Mr. Stephen N. Rosenthal, Hugo A. Martinez, Bank Atlantic FSB # 810, Joanne M. Chin, including Ms. Nancy N. Herkert, Miami Dade County property taxes, Board of Commissioners waived their rights to respond to Petitioner in case Number: 06-1344, related to this case, since they know that the Guardian home property belong to Petitioner Laurent, and the children hundred percent.

The Bankruptcy Court judge erred in executed a wrongful secret relief in rem judgment from Stay, on October 5, 2001, to Mr. Stephen N. Rosenthal, and his client, Hugo A. Martinez, without Service of process to Mr. Laurent, and without Statement of Verification, and investigation, to verify where Hugo A. Martinez has any interest or mortgage in the Guardian home property, after June 21, 1996.

Secret Rem judgment, in the bankruptcy court, doesn't applied to Petitioner, Nicolas S. Laurent, because Mr. Hugo A. Martinez doesn't have any mortgage nor Title claim, nor interest to justify, where Hugo A. Martinez obtain any claim, in the property, after **June 21, 1996,** when Fidelity National Title Insurance transfer

the Title of the property from Real owner Richard L. Pennington, and wife Guadalupe, First party to Nicolas S. Laurent, Second Party forever, in the Eleventh Judicial Circuit Court, Dade County, Miami- Florida, case # 92-24742 CIV (21).
Remark Industries v. La. 973 F. 2d 1124 (3d Cir. 1992). Supremacy Clause of the U.S. which provide that the law of the U.S. Constitution are Supreme law of the land no withstand any state law.

Petitioner, Nicolas S. Laurent comply and prosecute in the State Court, Eleventh Judicial Circuit Court, Dade County, Miami - Florida, and no default being entered against Mr. Nicolas S. Laurent.

Petitioner, Nicolas S.. Laurent filed answer on November 26, 2001, to the Summon, in state Court, Eleventh Judicial, and sent a copy to Hugo A. Martinez's attorney Stephen N. Rosenthal.

Mr. Stephen N. Rosenthal failed to reply to Mr. Laurent answer to the Summons, and thereafter Petitioner went to filed a second pleading on February 19, 2002, in the Eleventh Judicial Circuit Court, indicated that Mr. Laurent never received any reply, neither from the Court, nor Mr. Stephen N. Rosenthal attorney for Mr. Hugo A. Martinez.

Petitioner never received any service of process for the Summary Judgment, neither from the Eleventh Judicial Circuit Court, nor from Mr. Stephen N. Rosenthal. Unexpectedly, on or about May 9, 2002, to May 12, 2002, An attorney contacted petitioner to indicated the is a foreclosure action in the Guardian home property. Subsequently, on May 13, 2002, Nicolas S. Laurent filed Motion to dismissed foreclosure, without prejudice, in the Eleventh Judicial Circuit Court, indicated that Mr. Laurent never received any response for the answer filed on November 26, 2001, and for the pleading filed on

February 19, 2002, neither from the court, nor from attorney Stephen N. Rosenthal.

On May 23, 2002, attorney Steven B. Feren filed Emergency Motion, on behalf of Petitioner Laurent to Judge Leslie Rothenberg, in the state court, Eleventh Judicial Circuit, indicated that his going to have surgery, on May 24, 2002, that he will not able to appeared in court, and Petitioner has a Responsive pleading filed and docket by the clerk of court, on February 19, 2002 and never receives a Notice of Hearing for the Motion for Summary Judgment, and to halted the foreclosure action, until this matter can be straightened out.

Judge Leslie Rothenberg, disregard attorney feren letter, proceed with the foreclosure action, which Petitioner object on May 31, 2002.

On June 6, 2002, Attorney Steven B. Feren withdrew from Mr. Laurent case, since he needed more time to recuperated from the surgery.

Mr. Stephen N. Rosenthal should not represent Mr. Hugo A. Martinez in the bankruptcy court, 2001-State court, Eleventh Judicial Circuit, and the District Court, Case Number: 04- CV- 22471, since attorney Stephen N. Rosenthal has a conflict of interest insert his name as percentage in Petitioner, Nicolas S. Laurent's Guardian home property, Dade County, Miami-Florida.

An attorney cannot represented a client in the same case, and the same matter, five times in different court. Bryson 131 f. 3D 601, 38 Collier Bank, CAS.

2d (MB) 1673 FED. R. SERV. D. (LCP) 1524 (7TH CIR. 1997. the bankruptcy court have an authority under rule § 105, to sanction an attorney who has acted unreasonably and vexatious.

Mr. Stephen N. Rosenthal represent Hugo A. Martinez, for the same case, same matter, five times in different court.

The general rules is that a conflict of interest requires the recuses of attorney Stephen N. Rosenthal false representation claim, in the bankruptcy court.

In People v. Lepe 211 Cal Rptr. 432,434 (Cal App, 1985). The District attorney had formerly represented a party in two cases, the court held that the District attorney must be recuses, and his position requires disqualification of his entire office.

This case demonstrates the integrity of the judicial system, and proper respect for a fair trial, and the right to due process.

Bank Atlantic FSB # 810, Joanne M. Chin signed contract with Petitioner, Nicolas S. Laurent to received payment for the Guardian home property taxes certificates, inside the Bankruptcy Chapter 13 payment plan, for 5 years terms of the payment plan, the plan was confirmed, and approved by all parties.

Thereafter on November 13, 2002, creditor Bank Atlantic FSB # 810, Nancy N. Herkert, chapter 13 trustee decide to used Petitioner's Guardian home property taxes certificates, to made a second deception foreclosures, without relief from the Automatic Stay, when petitioner chapter payment plan was fully active and effect.

In Crysen / Montenay Energy Co. v. Esselen Assoc., Inc., (In re Crysen / Montenay Energy Co.), 902 f.2d 1098 (2d Cir 1990).

Overby v. Overby, 457 S. W 2d 756, 758 (1987)In re Taylor, 854 F. 2d 478, 483 (9th Cir. 1989)In re Soares v. Brockton Credit Union (In re Soares), 107 F. 3d 969 (1st Cir. 1997) Steel Co. v. Citizen For Better Environment.

Sunshine Development Inc, vs. Federal Deposit Insurance Corp. 33 F. 3d 106 (1 St Cir. 1994). Saint Louis v. Hughes, 50 S. W 2d 8 50 (M O. Banc. 1997. Williamson v. Berry, 8 How. 945, 540 12 L. Ed. 1170, 1189 (1850

A lawyer's professional conduct precludes the lawyer from participating in a matter, or in case in which they lawyer participated personally, and substantially, while in private practice.

I Nicolas S. Laurent do solemnly swear that the above statement is true and complete to the best of my knowledge.

For the Foregoing reasons, as well as those stated in the Petition, and Reply brief. Petitioner respectfully request the Supreme Court of the United States to vacate and reverse the opinion of Court Appeals and grant Petition for Writ of Certiorari.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully, Submitted

Nicolas S. Laurent
P.O. Box 260189
Boston, MA 02126
Tel: (617) 894-9774
Pro Se / attorney

Dated June 6, 2007